

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBIN NIXON,)	
Plaintiff)	
)	
v.)	CIVIL ACTION NO. 05-101 ERIE
)	
NORFOLK SOUTHERN CORPORATION)	
and NORFOLK SOUTHERN RAILWAY)	
COMPANY, INC.,)	
Defendants)	ELECTRONICALLY FILED

**JOINT MOTION FOR EXTENSION OF
TIME TO COMPLETE EXPERT DEPOSITIONS**

Plaintiff ROBIN NIXON, by his attorneys, Segel & Solymosi, and defendants NORFOLK SOUTHERN CORPORATION and NORFOLK SOUTHERN RAILWAY COMPANY, INC. (more properly known as "Norfolk Southern Railway Company"), by their attorneys, MacDonald, Illig, Jones & Britton LLP, file this Joint Motion for Extension of Time to Complete Expert Depositions and state the following in support thereof:

1. This civil action involves a common law negligence claim by plaintiff Robin Nixon (hereinafter "Nixon") against defendants Norfolk Southern Corporation and Norfolk Southern Railway Company, Inc. for personal injuries arising out of an accident that occurred on or about April 27, 1997, in the City of Erie, Pennsylvania when Nixon, who then was age 12, alleges that while riding a bicycle, he grabbed onto a slowly-moving eastbound train, lost control and fell under the train. (Complaint).

2. On November 15, 2006, this Honorable Court issued a Final Amended Case Management Order pursuant to which expert depositions were to be completed on or before March 30, 2007; dispositive motions, if any, were to be filed on or before April 30, 2007; responses in opposition to dispositive motions were to be filed on or before May 30, 2007; any replies in support of dispositive motions were to be filed on or before June 13, 2007; a Joint Concise Statement of Material Facts was to be filed on or before June 20, 2007; and, if no dispositive motions are filed, plaintiff's pretrial narrative statement was to be filed on or before May 30, 2007, and defendants' pretrial narrative statement was to be filed on or before June 20, 2007. (Final Amended Case Management Order dated 11/15/06).

3. Counsel for defendants Norfolk Southern Corporation and Norfolk Southern Railway Company has been attempting to schedule the depositions of two expert witnesses disclosed by plaintiff Nixon -- August W. Westphal and James A. Guarino -- but given the schedules of counsel for the parties and those two expert witnesses has been unable to do so until May 17 and 18, 2007.

4. Accordingly, plaintiff Nixon and defendants Norfolk Southern Corporation and Norfolk Southern Railway Company, Inc. jointly seek an extension of time until May 25, 2007, within which to complete expert depositions and the issuance of an Amended Case Management Order revising other dates in the pretrial schedule consistent therewith.

WHEREFORE, plaintiff Robin Nixon and defendants Norfolk Southern Corporation and Norfolk Southern Railway Company, Inc. respectfully request this Honorable Court to extend the time for the completion of expert depositions until May 25, 2007, and to issue an Order that revises other dates in the pretrial schedule consistent therewith.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2007, the foregoing Joint Motion for Extension of Time to Complete Expert Depositions was filed electronically with the Clerk of Court using the Electronic Case Filing system. Notice of this filing will be sent to all parties by operation of the Court's ECF system and constitutes service of this filing under Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure. Parties may access this filing through the Court's ECF system.

s/ Roger H. Taft
Roger H. Taft, Esq.